

REMARKS/ARGUMENTS

All of the pending claims (9-17) stand rejected. More particularly, claims 9, 10 and 17 were rejected under 35 U.S.C. 102(b) as being anticipated by Moore (U.S. Pat. No. 3,462,982), while claims 11-16 were rejected as being unpatentable under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Sholes (U.S. Pat. No. 871,047). Claim 18 has been added. Support for the newly added claim 18 may be found throughout the specification, including on page 12, lines 33-35, to page 13, lines 1-14.

Turning now to the rejection of claim 9, this independent claim defines an anti-theft device for a plurality of control components (i.e., steering wheels) comprising a bar member 12 having an axis A and a plurality of longitudinally adjacent ratchet teeth 44 along a portion thereof, a body member 10 telescopically receiving said bar member 12, a lock housing 14 on said body member 10 having a passage 50 through which said bar member 12 extends and a bore 52 opening into said passage 50, a pawl 64 in said bore 52, a spring 62 biasing said pawl 64 into engagement with said ratchet teeth 44, said pawl 64 and said teeth 44 being configured to allow said bar member 12 to ratchet outwardly relative to said body member 10 from a dismounted to a mounted condition relative to said control component while preventing said bar member 12 from moving inwardly of said body member 10, a key actuated lock 76 in said housing 14 for retracting said pawl 64 out of passage against the bias of said spring 62 to permit said bar member 12 to freely move inwardly and outwardly of said body member 10, and said body member 10 and said bar member 12 in said mounted condition including an arrangement to inhibit the displacement of said one control component necessary for driving the vehicle.

The invention as defined in claim 9 differs from Moore in several respects. For example, the bar member 12 of claim 9 has an axis, thus implying that it has a circular cross-section. (See page 11, lines 19-20, of the specification.) Accordingly, the corresponding body member 10 must have a circular cross-section as well. (See page 10, lines 32-34, of the specification.) In contrast, the ratchet bar 28 of Moore is clearly a flat bar (see FIG. 2 of Moore). Moore does not teach or suggest that the ratchet bar 28 could have a circular cross-section and, therefore, an axis, as provided in claim 9.

Further, claim 9 includes "a lock housing on said body member having a passage through which said bar member extends and a bore opening into said passage." This means that there is integral construction of the lock housing with the body member, which

**BEST AVAILABLE COPY**

presents no external pry points in which a criminal tool may be inserted. (See page 12, lines 33-35, to page 13, lines 1-14, of the specification.) Moore, on the other hand, does not teach or suggest such integral construction of the lock 24 and the bracket 22.

Also, in claim 9, the body member 10 telescopically receives the bar member 12. Further, the body member 10 includes a lock housing 14, which also receives the bar member 12. (See FIG. 2 of the present application.) Moore, on the other hand, includes a clamp 20 welded to a slidable bracket 22, which simply *slides along* a portion 12 of the bar 10. That is, the bracket 22 with the lock 24 and the clamp 20 affixed to it is slid in an outward direction so that the clamp 20 firmly engages a portion 32 of the steering wheel. (See col. 2, line 65 to col. 3, line 5, of Moore.) Thus, Moore does not teach or suggest two integrated components, namely, a body member and a lock housing thereon, which telescopically receive a third component, a bar member. As shown in FIG. 2 of Moore, only the lock housing actually receives the bar member.

As the Examiner notes, Moore does not disclose or teach a bar member that is a solid round rod and a body member that is a round tube. Sholes apparently teaches a clamp that includes a tubular post 1 and a movable jaw 3 and stem 4 fastened together, wherein the stem 4 has on it ratchet teeth 5 and fits loosely in the post 1. A pawl 6 mounts on the post 1 and engages with the ratchet teeth 5. (See col. 1, lines 46-51, of Sholes.) However, there is no evidence of a motivation or suggestion in Moore that the flat bar 12 and slidable bracket 22 could be modified such that they comprise a round tube and solid round rod, respectively.

Applicant's disclosure should not be used as a guide through the references, combining the references in just the right order so as to arrive at Applicant's claimed invention. See *Grain Processing Corp. v. American Maize-Prod. Co.*, 840 F.2d 902, 907 (Fed. Cir. 1988). Applicant respectfully submits that the Examiner has not pointed to any specific suggestion, motivation or incentive for modifying either reference to arrive at Applicant's disclosure. See *In re Laskowski*, 871 F.2d 115, 117 (Fed. Cir. 1989) ("[T]he mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification") (quoting *In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984)). Further, the Examiner has not presented any reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior

art references for combination in the manner cited. *In re Rouffet*, 149 F.3d 1350 (Fed. Cir. 1998). See also *In re Napier*, 55 F.3d 610, 631 (Fed. Cir. 1995) ("Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination.").

For at least these reasons, claim 9 and claims 10-17, which depend therefrom, are patentably distinguishable over the cited art.

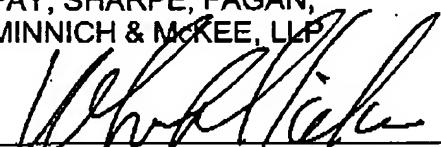
### CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 9-18) are in condition for allowance.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP

2/25/05  
Date

  
Robert V. Vickers  
Reg. No. 19,504  
1100 Superior Avenue  
7th Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582

#### Certificate of Mailing

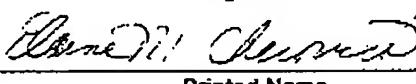
Under 37 C.F.R. § 1.8, I certify that this Amendment is being

deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.

deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AMENDMENT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:	
FAX No. 703-872-4306	
Date	
2-25-05	

Signature	
	
Printed Name	
ROBERT V. VICKERS	

N:\WNNZ\207857\1\Shmc0002479V001.doc

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER: \_\_\_\_\_**

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**